

CORRECTED
VERSION

REC'D 13 MAR 2006

WIPO

PCT

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference BUR920030082	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/US03/39026	International filing date (day/month/year) 08 December 2003 (08.12.2003)	Priority date (day/month/year)	
International Patent Classification (IPC) or national classification and IPC IPC(7): H01L 27/148 and US Cl.: 257/250,270,333,340,347,365,386,406,903			
Applicant INTERNATIONAL BUSINESS MACHINES CORPORATION			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 2 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☐ (sent to the applicant and to the International Bureau) a total of ___ sheets, as follows:

☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

☒ Box No. I Basis of the report

☐ Box No. II Priority

☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

☐ Box No. IV Lack of unity of invention

☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

☐ Box No. VI Certain documents cited

☐ Box No. VII Certain defects in the international application

☐ Box No. VIII Certain observations on the international application

Date of submission of the demand

08 July 2005 (08.07.2005)

Date of completion of this report

17 October 2005 (17.10.2005)

Name and mailing address of the IPEA/ US

Mail Stop PCT, Attn: IPEA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Facsimile No. (703)305-3230

Authorized officer

David Nelms

Telephone No. (703)308-0956

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/US03/39026

Box No. I Basis of the report

1. With regard to the language, this report is based on:

- ☒ the international application in the language in which it was filed.
- ☐ a translation of the international application into English, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4(a))
- ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☒ the international application as originally filed/furnished
- ☒ the description:
 pages 1-7 as originally filed/furnished
 pages* NONE received by this Authority on _____
 pages* NONE received by this Authority on _____
- ☒ the claims:
 pages 8 and 9 as originally filed/furnished
 pages* NONE as amended (together with any statement) under Article 19
 pages* NONE received by this Authority on _____
 pages* NONE received by this Authority on _____
- ☒ the drawings:
 pages 1/4-4/4 as originally filed/furnished
 pages* NONE received by this Authority on _____
 pages* NONE received by this Authority on _____

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☒ The amendments have resulted in the cancellation of:

- ☒ the description, pages None
- ☒ the claims, Nos. None
- ☒ the drawings, sheets/figs None
- ☒ the sequence listing (*specify*): None
- ☒ any table(s) related to the sequence listing (*specify*): None

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs. _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US03/39026**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims <u>1-11</u>	YES
	Claims <u>NONE</u>	NO
Inventive Step (IS)	Claims <u>1-11</u>	YES
	Claims <u>NONE</u>	NO
Industrial Applicability (IA)	Claims <u>1-11</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and Explanations (Rule 70.7)

Claims 1-11 meet the criteria set out in PCT Article 33(2)-(4), because the prior art of record does not teach an integrated circuit semiconductor memory device comprises a first dielectric layer covering a first portion of a substrate, the first dielectric layer being absent from a second portion of the substrate, a second dielectric layer having property different from the first dielectric layer, and the second dielectric layer at least partly covering the second portion of the substrate, wherein the property of the second dielectric layer provides a gate capacitance of a gate formed over the second dielectric layer with respect to the substrate that is greater than a theoretical capacitance of a gate formed over the first dielectric layer, and in combination with all other features as recited in independent Claim 1.

Claims 1-11 have industrial applicability under PCT Article 33(4) because an integrated circuit semiconductor memory device claimed therein can be made or used in the semiconductor industry.

----- NEW CITATIONS -----